

ORDINANCE NO. 20324

AN ORDINANCE CONCERNING ALARM SYSTEMS; AMENDING SECTIONS 3.005, 3.105, 3.110, 3.115 AND 3.990 OF THE EUGENE CODE, 1971; AND REPEALING SECTION 3.100 OF THAT CODE.

The City of Eugene does ordain as follows:

Section 1. The “Alarm Systems” definitions set forth in the “Licensed Businesses” section of Section 3.005 of the Eugene Code, 1971, are amended as follows:

3.005 For the purposes of this chapter, the following words and phrases shall mean:

General

City manager. City manager or designee.

License. Includes licenses, certifications, or permits.

Licensee. Includes all persons possessing licenses, certifications or permits.

Principal. Includes all owners, shareholders, partners, directors, officers and managers of a business.

Material Information. Any information requested as part of the application process either for a new license, permit or certification, or a renewal of an existing license, permit or certification.

Special event. An activity, use, or event of a type normally regulated, permitted or licensed under provisions of this code, except that the activity, use, or event occurs only on a scheduled date(s) for a period of time not to exceed 14 calendar days.

Licensed Businesses

Alarm Systems. For purposes of sections 3.105 to 3.115, the following words and phrases mean:

Alarm central station. The business of any individual, partnership, corporation or other entity of monitoring the status of alarm systems not at the alarm central station location and reporting any alarm activations

or changes in status to any police, fire, public safety or other governmental agency.

Audible alarm system. Any fire alarm system that upon activation, causes to be activated, in the immediate vicinity, any siren, bell, buzzer or other type of sound-emitting device that is designed for or expected to notify persons in the vicinity of an activation of the alarm system.

Automatic dialing device. A device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response. Such a device is an alarm system.

Emergency response services. Police, fire and/or emergency medical services.

False alarm. A report received by the city from any source that results in a dispatch of emergency response services personnel to the premises on which a fire alarm system is located, (when a situation requiring a response does not in fact exist), but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the property owner, alarm business operator or alarm user. Use of a fire alarm system for a purpose other than its specific intended use constitutes a false alarm. A false alarm does not necessarily require a response by the city to the premises.

Fire alarm business. The business of any individual, partnership, corporation or other entity selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any fire alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

Fire alarm system. A combination of approved compatible devices with the necessary electrical interconnection and energy to produce an alarm signal in the event of fire or system activation. Fire alarm system, for purposes of this chapter, includes, but is not limited to audible alarm systems, local alarm systems, silent alarm systems and those devices designed to transmit a signal or a message to a central alarm receiving station. An alarm system, the existence of which is exempt from disclosure under the public records law, is not included within this definition and is not subject to the provisions of sections 3.105 to 3.115 of this code.

Fire alarm user. Any person, firm, partnership, association, corporation, company or organization of any kind that owns, leases, rents, controls or occupies any building, structure or facility wherein a fire alarm system is maintained on premises within the city.

Interconnect. To connect a fire alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

Local alarm system. Any fire alarm system that operates solely as an audible alarm system without the additional features of a silent alarm system.

9-1-1 Central Lane Communications Center. The multi-jurisdictional facility used to receive emergency and general information from the public to be dispatched to the respective police and fire departments utilizing the center.

Premises. Any building, structure, facility, property or land within the city.

Primary trunk line. A telephone line serving the 9-1-1 Central Lane Communications Center that is designated to receive emergency calls.

Silent alarm system. Any fire alarm system that, upon activation, causes to be transmitted to a remote location, any signal or message indicating activation of the fire alarm system that signals or conveys a message that is not normally audible to persons in the vicinity.

Sound emission cutoff feature. A feature of a fire alarm system which will cause an audible alarm to stop emitting sound.

Section 2. Section 3.100 of the Eugene Code, 1971, is repealed.

Section 3. Sections 3.105, 3.110, 3.115 and 3.990 of the Eugene Code, 1971,

are amended as follows:

3.105 Fire Alarm Systems - Prohibitions.

- (1) Information required.** Each fire alarm business selling, leasing or furnishing to any fire alarm user an alarm system that is installed on premises located within the city shall furnish the fire alarm user with instructions that provide sufficient information to enable the fire alarm

user to operate the alarm system at any time, together with city guidelines and regulations related to fire alarm systems.

(2) Automatic dialing device. It is unlawful for any person to:

- (a) Fail to disconnect or reprogram an automatic dialing device within 12 hours of receipt of written notice from the city that it is programmed to select a primary trunk line in violation of section 4.904 of this code.
- (b) Program an automatic dialing device to select any telephone line assigned to the city, or fail to disconnect or reprogram such automatic dialing device within 12 hours of receipt of written notice from the city that it is so programmed.

The notice required by paragraphs (a) and (b) of this subsection shall be personally delivered to the fire alarm user, or other person in charge of the premises.

3.110 Fire Alarm Systems - False Alarms. Upon the occurrence of two or more false fire alarms at the same premises within a 12 month period, the fire alarm user shall be required to pay the false fire alarm fee established by the city manager for the second and subsequent false alarm at the premises. Notification of each false fire alarm, and/or the notice of the amount of the false alarm fee, shall be sent to the fire alarm user at the address where the fire alarm system is maintained, and shall contain the information required in rules promulgated by the city manager hereunder. The notice shall advise the fire alarm user of the right to appeal the false alarm fee in the manner set forth in section 2.021 of this code. In addition to, or in lieu of the fire false alarm fee or any other penalty, upon the occurrence of the second and subsequent false fire alarm at the premises within a 12 month period, following the procedures of section 2.018 of this code, the city may impose an administrative civil penalty upon the fire alarm user. The fire alarm systems fee schedule may also establish a credit that may be applied to offset all or a portion of a false fire alarm fee for attendance by the fire alarm user at city approved alarm system educational programs.

3.115 Fire Alarm Systems - Cessation of Transmission.

- (1) A fire alarm user not utilizing an alarm central station shall post a notice containing the current name(s) and telephone numbers of the person(s) to be notified, capable of silencing the alarm and securing the premises whenever the fire alarm system is activated. The notice shall be posted in a conspicuous location that is visible from the exterior of the building. A fire alarm user utilizing an alarm central station shall provide the alarm central station with the current names and telephone numbers of all persons capable of silencing the alarm and securing the premises who are to be notified when the fire alarm system is activated.
- (2) Upon request of the city, an alarm user or other designated person shall respond to the premises where the fire alarm system is located within

30 minutes after being notified, and shall silence the alarm and secure the premises.

- (3) Emergency response personnel may silence or cause an alarm system to be silenced if:
- (a) A fire alarm user or designated person does not arrive within 30 minutes after being requested to do so by the city; or
 - (b) The alarm system has transmitted a signal for more than ten minutes after the arrival of emergency response personnel and no fire alarm user or designated person is available to respond. The city shall be exempt from and shall assume no liability or responsibility related to the silencing of any alarm system and any subsequent incidents where the alarm does not function due to exercising the provisions of this section. It shall be the responsibility of the fire alarm user to repair, reset, or otherwise enable any fire alarm system so silenced.

3.990 Penalties - Specific.

- (1) Violation of section 3.500 is punishable by a fine not to exceed \$500 for each day that the violation exists.
- (2) Violation of sections 3.510 to 3.515 is punishable by:
 - (a) A fine not to exceed \$200 for the first violation;
 - (b) A fine not to exceed \$350 for the second violation occurring within a period of 24 months from the date of the first violation;
 - (c) A fine not to exceed \$500 each for a third or subsequent violation occurring within a period of 24 months from the date of the first violation.
- (3) Violation of section 3.812 is punishable by a fine not to exceed \$500 or confinement in jail not to exceed 100 days, or both fine and imprisonment.
- (4) Violation of sections 3.105 to 3.115 is punishable as follows:
 - (a) 3.105(1) - Fine of not less than \$50 nor more than \$500;
 - (b) 3.105(2)(a) - \$500 fine or 30 days in jail, or both;
 - (c) 3.105(2)(b) - Fine of not less than \$50 nor more than \$500;
 - (d) 3.115 - Fine of not less than \$50 nor more than \$500.
 - (e) Violation of any provisions of section 3.105 to 3.115 not specifically referenced in subparagraphs (a) through (g) above are subject to the penalties provided in administrative rules or orders of the city manager, including imposition of an administrative civil penalty pursuant to section 2.018 of this code as referenced in section 3.110(1).

Section 4. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained

herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this
12th day of July, 2004.

/s/ Mary H. Feldman
City Recorder

Approved by the Mayor this
21st day of July, 2004.

/s/ James D. Torrey
Mayor